REMARKS

Claim 18 has been amended to specify that the processor is programmed "to use a first algorithm to obtain a first score from a first test using the fluorescence values and to obtain a second score from a second test using the fluorescence values, and to use the first score and the second score to generate a composite score to determine whether the sample is positive, negative, or indeterminate for the presence of the nucleic acid." Claim 18 has also been amended to delete improper periods. Support for amended claim 18 is found, for example, on page 13, line 22 through page 14, line 9 and page 14, lines 25-29 of the specification. Claims 19-21 have been amended for consistency with claim 18. New claim 25 combines the subject matter of previous claims 18 and 19.

Applicant wishes to thank Examiner Smith for the courtesies extended by the Examiner in the telephonic interview with Applicant's undersigned attorney on May 30, 2006. Proposed amendments to claim 18 were discussed. An agreement was not reached with respect to allowance of the claims, but the Examiner indicated that some of the proposed amendments may overcome the rejections. However, the Examiner wishes to review the file history to determine whether the amendments overcome the rejections.

The Examiner has rejected claims 18, 22, and 23 under 35 U.S.C. §§ 102(e) and 102(f) as being anticipated by U.S. Patent No. 6,387,621 by Wittwer et al. (hereinafter the '621 patent). Applicant wishes to point out that new claim 25 incorporates the subject matter of previous claim 19 into previous claim 18. Claim 19 was not rejected under §§ 102(e) and 102(f) over the '621 patent. Applicant respectfully traverses the Examiner's rejection as to amended claims 18, 22, and 23. Amended claims 18, 22, and 23 are not anticipated by the '621 patent.

Anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference.

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